

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL WARD, #128267,

Petitioner,

Case Number: 2:13-CV-14019

v.

HON. NANCY G. EDMUNDS

KENNETH MCKEE,

Respondent.

**OPINION AND ORDER CONSTRUING PETITIONER'S LETTER
AS MOTION FOR RECONSIDERATION AND DENYING MOTION [#8]**

Petitioner Michael Ward, presently confined at the Bellamy Creek Correctional Facility in Ionia, Michigan, filed a *pro se* petition for a writ of habeas corpus to contest the revocation of his parole and the parole board's subsequent decisions denying his re-release on parole. The Court determined that the petition was a successive one under 28 U.S.C. § 2244(b)(3)(A), and that Petitioner did not receive prior authorization to file a successive petition. On October 3, 2013, the Court transferred the petition to the United States Court of Appeals for the Sixth Circuit for a determination whether Petitioner is authorized to file a successive petition. Now before the Court is Petitioner's letter titled "Liberally Construe as a 'Motion.'" The Court construes the letter as a motion for reconsideration of its decision transferring the petition to the Sixth Circuit Court of Appeals.

Motions for reconsideration may be granted when the moving party shows (1) a

“palpable defect,” (2) by which the court and the parties were misled, and (3) the correction of which will result in a different disposition of the case. E.D. Mich. L.R. 7.1(h)(3). A “palpable defect” is a “defect which is obvious, clear, unmistakable, manifest or plain.” *Olson v. The Home Depot*, 321 F. Supp. 2d 872, 874 (E.D. Mich. 2004). Petitioner’s motion raises no persuasive arguments for reconsideration, amounting only to a disagreement with the Court’s decision transferring the petition. A motion predicated upon such argument fails to allege sufficient grounds upon which to grant reconsideration. L.R. 7.1(h)(3); *see also, Meekison v. Ohio Dept. of Rehabilitation and Correction*, 181 F.R.D. 571, 572 (S.D. Ohio 1998). Petitioner fails to demonstrate that the Court’s decision was based upon a palpable defect by which the Court was misled.

Accordingly, the Court **DENIES** Petitioner’s letter motion for reconsideration [dkt. #8].

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: January 15, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 15, 2014, by electronic and/or ordinary mail.

s/Johnetta M. Curry-Williams
Case Manager
Acting in the Absence of Carol Hemeyer